

Attorney Docket No.: 99.25US

PATENT

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10/27/03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Cioca, et al.

Serial No.: 09/838,649

Group Art Unit: 1617

Filed: April 19, 2001

Examiner: Wells, Lauren Q.

For: Stable Antimicrobials in Structured Water

**RESPONSE PURSUANT TO 37 CFR 1.111 - Introductory Comments**

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Final Office Action, of July 15, 2003, the rejection of the present claims is made final, and a new 112 rejection is presented. Applicants maintain that a prima facie case of obviousness has not been made because the claims as amended are not taught or suggested by the cited references. The present invention is not, as asserted by the Examiner, a simple addition of silver to structured water; and further, as the electrostatic charges of the silver ion and any type of water may result in interactions between the two, these interactive forces do not necessarily render a cluster comprising silver ions within it when the water is a structured water. This point is further elucidated by the difference between the starting water in the cited reference and the feed water in the present invention. This point and others as they relate to the obviousness rejection of the pending claims are discussed in further detail below in the Remarks section.

Applicants request that the following amendments be entered and the following remarks be considered as they are believed to place the application in condition for allowance or in better condition for appeal in the event that the present rejections are maintained.